

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:08-cv-01289-RMU**

HELLER et al v. DISTRICT OF COLUMBIA et al
Assigned to: Judge Ricardo M. Urbina
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 07/28/2008
Date Terminated: 03/26/2010
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

DICK ANTHONY HELLER

represented by **Stephen Porter Halbrook**
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Suite 403
Fairfax, VA 22030
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LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

Plaintiff

ABSALOM F. JORDAN, JR.

represented by **Richard E Gardiner**
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LEAD ATTORNEY
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Plaintiff

AMY MCVEY
TERMINATED: 07/29/2008

represented by **Richard E Gardiner**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen Porter Halbrook
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

WILLIAM CARTER

represented by **Richard E Gardiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

MARK SNYDER

represented by **Richard E Gardiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TRACEY AMBEAU HANSON
CA-09-454
TERMINATED: 08/05/2009

represented by **Alan Gura**
GURA & POSSESSKY, PLLC
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Suite 405
Alexandria, VA 22314
(703) 835-9085
Fax: (703) 997-7665
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TERMINATED: 08/05/2009
LEAD ATTORNEY

Plaintiff

GILLIAN ST. LAWRENCE
CA-09-454
TERMINATED: 08/05/2009

represented by **Alan Gura**
(See above for address)
TERMINATED: 08/05/2009
LEAD ATTORNEY

Plaintiff

PAUL ST. LAWRENCE
CA-09-454
TERMINATED: 08/05/2009

represented by **Alan Gura**
(See above for address)
TERMINATED: 08/05/2009
LEAD ATTORNEY

Plaintiff

**SECOND AMENDMENT
FOUNDATION, INC.**
CA-09-454

represented by **Alan Gura**
(See above for address)
TERMINATED: 08/05/2009

TERMINATED: 08/05/2009

LEAD ATTORNEY

V.

Defendant

DISTRICT OF COLUMBIA

represented by **Andrew J. Saindon**
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Defendant

ADRIAN M. FENTY

Mayor, District of Columbia

represented by **Andrew J. Saindon**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CATHY LANIER

CA-09-454

represented by **Andrew J. Saindon**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
07/28/2008	1	COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Filing fee \$ 350, receipt number 4616013940) filed by DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR, AMY MCVEY. (Attachments: # 1 Civil Cover Sheet)(jf,) (Entered: 07/29/2008)
07/28/2008		Summons (2) Issued as to DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (jf) (Entered: 07/29/2008)
07/29/2008	2	FIRST AMENDED COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY filed by DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR.(nmw,) (Additional attachment(s) added on 7/29/2008: # 1 Certificate of Service) (nmw,). (Entered: 07/29/2008)
08/12/2008	3	MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Attachments: # 1 Text of Proposed Order)(Saindon, Andrew) (Entered: 08/12/2008)
08/12/2008		MINUTE ORDER: The plaintiffs' opposition to the defendants' motion for an extension of time is due on or before August 15, 2008 and any replies thereto are due on or before August 18, 2008. Signed by Judge Ricardo M. Urbina on 8/12/08. (lcrmu2) (Entered: 08/12/2008)

08/12/2008		Set/Reset Deadlines/Hearings: The plaintiffs' opposition to the defendants' motion for an extension of time is due on or before August 15, 2008 and any replies thereto are due on or before August 18, 2008. (jwd) (Entered: 08/12/2008)
08/13/2008	4	Memorandum in opposition to re 3 MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> filed by DICK ANTHONY HELLER. (Gardiner, Richard) (Entered: 08/13/2008)
08/15/2008	5	REPLY to opposition to motion re 3 MOTION for Extension of Time to <i>Respond to the First Amended Complaint</i> filed by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 08/15/2008)
08/18/2008		MINUTE ORDER granting in part and denying in part 3 Partial Consent Motion for Extension of Time. It is hereby ordered that the defendants' response to the plaintiffs' complaint is due on or before August 28, 2008. Signed by Judge Ricardo M. Urbina on 8/18/08. (lcrmu2) (Entered: 08/18/2008)
08/18/2008		Set/Reset Deadlines/Hearings: defendants' response to the plaintiffs' complaint is due on or before August 28, 2008.(jwd) (Entered: 08/18/2008)
08/28/2008	6	ANSWER to 2 Amended Complaint by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. Related document: 2 Amended Complaint filed by ABSALOM F. JORDAN, JR., DICK ANTHONY HELLER.(Saindon, Andrew) (Entered: 08/28/2008)
09/10/2008		NOTICE of Hearing: An Initial Status Hearing is scheduled for 10/9/2008 at 10:00 A.M. in Courtroom 30, Annex Building, Sixth Floor before Judge Ricardo M. Urbina. (jwd) (Entered: 09/10/2008)
09/10/2008	7	STANDING ORDER. Signed by Judge Ricardo M. Urbina on September 10, 2008. Read this Standing Order carefully, it will govern this case. Failure to follow the Standing Order will result in sanction. Parties are to meet and confer and file their Joint 16.3 Report seven (7) days prior to scheduled hearing date of October 9, 2008.(jwd) (Entered: 09/10/2008)
09/19/2008	8	NOTICE of <i>Enactment of Second Firearms Control Emergency Amendment Act of 2008</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Attachments: # 1 Exhibit)(Saindon, Andrew) (Entered: 09/19/2008)
10/02/2008	9	STRICKEN PURSUANT TO MINUTE ORDER OF 10/2/2008.....MEET AND CONFER STATEMENT. (Saindon, Andrew) Modified on 10/2/2008 (jwd,). (Entered: 10/02/2008)
10/02/2008		MINUTE ORDER Striking 9 Meet and Confer Statement. The parties' Joint 16.3 Report is hereby STRICKEN for failing to include a brief statement of the case and a proposed scheduling order as required by the court's Standing Order and the Local Civil Rules. These mandates are not to be disregarded. Signed by Judge Ricardo M. Urbina on 10/2/08. (lcrmu2) (Entered: 10/02/2008)
10/02/2008	10	MEET AND CONFER STATEMENT. (Attachments: # 1 Text of Proposed Order)(Saindon, Andrew) (Entered: 10/02/2008)

10/03/2008		MINUTE ORDER: The initial status conference scheduled for October 9, 2008 is hereby VACATED and RESCHEDULED for Thursday, January 8, 2009 at 11:00 am. An updated Local Civil Rule 16.3 Report is due on or before January 5, 2009. Signed by Judge Ricardo M. Urbina on 10/3/08. (lcrmu2) (Entered: 10/03/2008)
10/03/2008		Set/Reset Deadlines/Hearings: parties shall submit a joint status report to the court no later than November 14, 2008. (jwd) (Entered: 10/03/2008)
11/14/2008	11	STATUS REPORT (<i>Joint</i>) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 11/14/2008)
01/05/2009	12	MEET AND CONFER STATEMENT. (Attachments: # 1 Text of Proposed Order)(nmw,) (Entered: 01/06/2009)
01/06/2009		MINUTE ORDER vacating the status hearing scheduled for Thursday, January 8, 2009. It is further ordered that the parties submit a joint status report within 5 days of the effective date of the Firearms Control legislation or the Inoperable Pistol legislation, whichever is later. SO ORDERED. Signed by Judge Ricardo M. Urbina on 1/6/09. (lcrmu2) (Entered: 01/06/2009)
01/06/2009	13	Joint MOTION to Continue <i>Initial Status Conference</i> by DICK ANTHONY HELLER (Gardiner, Richard) (Entered: 01/06/2009)
01/06/2009		MINUTE ORDER finding as moot 13 Motion to Continue. Signed by Judge Ricardo M. Urbina on 1/6/09. (lcrmu2) (Entered: 01/06/2009)
03/25/2009	14	MOTION for Leave to File <i>Second Amended Complaint</i> by DICK ANTHONY HELLER (Attachments: # 1 Exhibit Second Amended Complaint)(Gardiner, Richard) (Entered: 03/25/2009)
03/25/2009		MINUTE ORDER granting 14 the Plaintiffs' Unopposed Motion for Leave to File Second Amended Complaint. Signed by Judge Ricardo M. Urbina on 3/25/09. (lcrmu2) (Entered: 03/25/2009)
03/25/2009	15	SECOND AMENDED COMPLAINT against DISTRICT OF COLUMBIA, ADRIAN M. FENTY filed by WILLIAM CARTER, MARK SNYDER, DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR.(nmw,) (Entered: 03/26/2009)
04/08/2009	16	ANSWER to 15 Amended Complaint by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. Related document: 15 Amended Complaint filed by WILLIAM CARTER, ABSALOM F. JORDAN, JR., MARK SNYDER, DICK ANTHONY HELLER.(Saindon, Andrew) (Entered: 04/08/2009)
04/08/2009	17	STATUS REPORT (<i>Joint</i>) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 04/08/2009)
04/08/2009	18	STANDING ORDER Signed by Judge Ricardo M. Urbina on April 8, 2009. Read this Order carefully, it will govern this case. Failure to follow the Standing Order will result in sanctions.(jwd) (jwd,). (Entered: 04/08/2009)
04/08/2009		MINUTE ORDER directing the parties to file a joint status report on or before April 13, 2009 clarifying whether the posture of the case is such that the court

		should set a timetable for dispositive motions and, if so, propose such a schedule. Signed by Judge Ricardo M. Urbina on 4/8/09. (lcrmu2) (Entered: 04/08/2009)
04/08/2009		Set/Reset Deadlines/Hearings: Parties to file a joint status report on or before April 13, 2009 clarifying whether the posture of the case is such that the court should set a timetable for dispositive motions and, if so, propose such a schedule. (jwd) (Entered: 04/08/2009)
04/10/2009	19	STATUS REPORT (<i>Joint</i>) by DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 04/10/2009)
05/07/2009		MINUTE ORDER directing the parties to submit consolidated cross-motions for summary judgment on or before July 6, 2009. That is, the plaintiffs in 08cv1289 and in 09cv454 should submit one cross-motion and the defendants may submit one cross-motion. The oppositions to these cross-motions are due on or before August 5, 2009 and replies are due on or before August 20, 2009. Signed by Judge Ricardo M. Urbina on 5/7/09. (lcrmu2) (Entered: 05/07/2009)
05/07/2009		Set/Reset Deadlines/Hearings: Consolidated Cross Motions for Summary Judgment motions due by 7/6/2009. Oppositions to Motion for Summary Judgment due by 8/5/2009. Replies to Oppositions to Motion for Summary Judgment due by 8/20/2009. (jwd) (Entered: 05/07/2009)
06/17/2009	20	NOTICE of <i>Emergency Rulemaking</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER (Attachments: # 1 Exhibit Emergency Regulations, # 2 Exhibit Attachment A (Maryland Roster), # 3 Exhibit Attachment B (Massachusetts Roster))Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/17/2009)
06/19/2009		MINUTE ORDER. In light of the Notice of Emergency Rulemaking submitted by the defendants on June 17, 2009, it is hereby ordered that the parties shall submit a joint status report proposing a revised briefing schedule on or before June 26, 2009. Signed by Judge Ricardo M. Urbina on 6/19/09. (lcrmu2) (Entered: 06/19/2009)
06/19/2009		Set/Reset Deadlines: Joint Status Report due on or before 6/26/2009 (tg,) (Entered: 06/19/2009)
06/25/2009	21	NOTICE of <i>Emergency Rulemaking</i> by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER (Attachments: # 1 Exhibit) Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/25/2009)
06/26/2009	22	STATUS REPORT (<i>Joint</i>) with proposed revised briefing schedule by DISTRICT OF COLUMBIA, ADRIAN M. FENTY, CATHY LANIER. Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(Saindon, Andrew) (Entered: 06/26/2009)
06/29/2009		MINUTE ORDER. It is hereby ordered that the parties shall file cross-motions for summary judgment on or before August 5, 2009, oppositions thereto on or before September 15, 2009, and any replies on or before September 24, 2009. Signed by Judge Ricardo M. Urbina on 6/29/09. (lcrmu2) Associated Cases:

		1:08-cv-01289-RMU, 1:09-cv-00454-RMU (Entered: 06/29/2009)
06/29/2009		Set/Reset Deadlines/Hearings: cross-motions for summary judgment on or before August 5, 2009, oppositions thereto on or before September 15, 2009, and any replies on or before September 24, 2009. (jwd) (Entered: 06/29/2009)
06/29/2009		Set/Reset Deadlines: Cross Motions for Summary Judgment are due by 8/5/2009. Oppositions to Cross Motions are due by 9/15/2009. Replies to Cross Motions are due by 9/24/2009. Associated Cases: 1:08-cv-01289-RMU, 1:09-cv-00454-RMU(tg,) (Entered: 06/29/2009)
07/30/2009		MINUTE ORDER sua sponte consolidating cases. It is hereby ordered that 08cv1289 is consolidated with 09cv0454, and it is further ordered that the Clerk's Office shall close 09cv0454 and transfer whichever parties are not the same to 08cv1289, and it is ordered that the parties shall file all filings only in 08cv1289 and shall NOT elect to spread text when filing on ECF, as this will result in repetitive docketing. Signed by Judge Ricardo M. Urbina on 7/30/09. (lcrmu2) (Entered: 07/30/2009)
07/31/2009	23	MOTION for Summary Judgment by DICK ANTHONY HELLER (Attachments: # 1 Memorandum in Support, # 2 Statement of Facts, # 3 Exhibit Exhibit 1, # 4 Exhibit Exhibit 2, # 5 Exhibit Exhibit 3, # 6 Exhibit Exhibit 4, # 7 Exhibit Exhibit 5, # 8 Exhibit Exhibit 6, # 9 Text of Proposed Order)(Gardiner, Richard) (Entered: 07/31/2009)
08/05/2009	24	NOTICE of Voluntary Dismissal re Tracey Hanson, Gillian St. Lawrence, Paul St. Lawrence, Second Amendment Foundation, Inc. (Gura, Alan) (Entered: 08/05/2009)
08/05/2009	25	MOTION for Summary Judgment by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY (Attachments: # 1 Appendix, # 2 Statement of Facts, # 3 Text of Proposed Order)(Saindon, Andrew) (Entered: 08/05/2009)
09/14/2009	26	Memorandum in opposition to re 25 MOTION for Summary Judgment filed by DICK ANTHONY HELLER. (Attachments: # 1 Statement of Facts Statement of Facts, # 2 Affidavit Johnson Declaration, # 3 Affidavit Heller Declaration, # 4 Text of Proposed Order Proposed Order)(Gardiner, Richard) (Entered: 09/14/2009)
09/15/2009	27	Memorandum in opposition to re 23 MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Attachments: # 1 Exhibit Opposition to PSMF, # 2 Text of Proposed Order) (Saindon, Andrew) (Entered: 09/15/2009)
09/24/2009	28	REPLY to opposition to motion re 25 MOTION for Summary Judgment filed by DICK ANTHONY HELLER. (Gardiner, Richard) (Entered: 09/24/2009)
09/24/2009	29	ENTERED IN ERROR.....REPLY to opposition to motion re 25 MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) Modified on 9/25/2009 (jf,). (Entered: 09/24/2009)
09/25/2009		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re 29 Reply to

		opposition to Motion was entered in error and counsel was instructed to refile said pleading. (jf,) (Entered: 09/25/2009)
09/25/2009	30	REPLY to opposition to motion re 25 MOTION for Summary Judgment filed by CATHY LANIER, DISTRICT OF COLUMBIA, ADRIAN M. FENTY. (Saindon, Andrew) (Entered: 09/25/2009)
03/26/2010	31	ORDER denying 23 the plaintiffs' motion for summary judgment; granting 25 the defendants' cross-motion for summary judgment. Signed by Judge Ricardo M. Urbina on 03/26/2010. (lcrmu1) (Entered: 03/26/2010)
03/26/2010	32	MEMORANDUM OPINION. Signed by Judge Ricardo M. Urbina on 03/26/2010. (lcrmu1) (Entered: 03/26/2010)
04/01/2010	33	NOTICE OF APPEAL as to 31 Order on Motion for Summary Judgment, by WILLIAM CARTER, DICK ANTHONY HELLER, ABSALOM F. JORDAN, JR, MARK SNYDER. Filing fee \$ 455, receipt number 0090-2140831. Fee Status: Fee Paid. Parties have been notified. (Gardiner, Richard) (Entered: 04/01/2010)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DICK ANTHONY HELLER, *et al.*)
Plaintiffs)
v.) No. 1:08-cv-01289
THE DISTRICT OF COLUMBIA, *et al.*) Hon. Ricardo M. Urbina
Defendants)

NOTICE OF APPEAL

Notice is hereby given that Dick Anthony Heller, Absalom F. Jordan, Jr., William Carter, and Mark Snyder, Plaintiffs in the above named case, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the final order of March 26, 2010, denying plaintiffs' motion for summary judgment and granting defendants' motion for summary judgment.

Respectfully submitted,

Dick Anthony Heller
Absalom F. Jordan, Jr.
William Carter
Mark Snyder

By counsel

/S/Stephen P. Halbrook
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